

EXHIBIT AA

From: Elaine Wallace [mailto:ewallace@JonesDay.com]
Sent: Friday, January 30, 2009 5:11 PM
To: Rosenbaum, Briana Lynn
Cc: Hann, Bree; Howard, Geoff; House, Holly; 'jfroyd@JonesDay.com'; 'jlfuchs@JonesDay.com'; 'jmcdonell@JonesDay.com'; 'swcowan@JonesDay.com'; 'tglanier@JonesDay.com'; Alinder, Zachary J.
Subject: RE: Oracle's production

Briana,

This proposed schedule is not acceptable. Please let me know when you are available next week for a meet and confer to discuss the issues outlined below.

Catz, Phillips, and Ellison have been on our custodian list for five months now. As I understand your email, you do not plan to complete production of their documents for another two months (i.e. end of March). That would preclude us from taking Ms. Catz' and Mr. Phillips' depositions until April, which is also unacceptable. We need these custodians' documents in February so that we can take their depositions in early to mid-March at the latest.

Also, I assume from the schedule laid out in your email that the four other custodians who have been on our list since September (Wong, Abbo, Webb, Andersen) and the seven custodians who have been on our list since October (Sanders, Kender, Boland, Brewster, Nee, Crossman, and Jimenez) will not be produced until April or May. At that rate, it's hard to see how Oracle can produce the remaining custodians currently on our list by the June 19 discovery cut-off, let alone any new custodians whose names we provide. This very slow rate of production also hinders our ability to take depositions and identify additional relevant custodians.

Your email makes no mention of the PeopleSoft legal database. When do you plan to produce that? Also, it appears from a number of your emails that the production of the Customer Connection database is slowing down Oracle's production of other documents. We are still not clear why Oracle is prioritizing production of that database over documents that we have actually requested. At the last discovery conference, Geoff implied that the Customer Connection database was somehow responsive to copyright related information we have requested. However, based on our (albeit limited) understanding of what the database contains, it does not appear to be. When I raised this with Zac on our last meet and confer, he was not able to explain how the information in the database was responsive to the authorship, ownership, and derivative works information we are seeking. We need to understand why Oracle is prioritizing production of this database at the expense of the documents we have requested.

Regards,

Elaine Wallace
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"Rosenbaum, Briana Lynn"

<briana.rosenbaum@bingham.com>

01/30/2009 03:06 PM

To "Elaine Wallace" <ewallace@JonesDay.com>

cc "Hann, Bree" <bree.hann@bingham.com>, "Howard, Geoff" <geoff.howard@bingham.com>, "House, Holly" <holly.house@bingham.com>, "jfroyd@JonesDay.com" <jfroyd@JonesDay.com>, "jfuchs@JonesDay.com" <jfuchs@JonesDay.com>, "jmcdonell@JonesDay.com" <jmcdonell@JonesDay.com>, "swcowan@JonesDay.com" <swcowan@JonesDay.com>, "tgianier@JonesDay.com" <tgianier@JonesDay.com>, "Alinder, Zachary J." <zachary.alinder@bingham.com>

Subject RE: Oracle's production

Elaine,

Contrary to your email below, we have provided information on our expected productions as you've asked for it. Specifically, as the below email chain demonstrates, we responded on January 17 that we expect to produce Phillips, Catz, and Ellison after the production of Lyskawa, Conway, and Lohead, the OSSINFO and HQINFO email addresses, and the Customer Connection-related database. Because the productions of Lyskawa, Conway, and Lohead are behind us, we now have more information on the next round of productions that we can provide:

As I explained on January 26, we completed review of Mr. Conway's documents after a reasonable search and were unable to identify any responsive documents. Accordingly, we have completed production of Mr. Conway.

Regarding OSSINFO, HQINFO, and the Customer Connection-related database: We expect rolling productions of these databases starting next week and extending throughout February.

We have found no responsive documents for Mr. Schiff (one of your newly identified custodians) in our review thus far. However, we are waiting for one last delivery of documents for him, and continue to look for responsive documents. We expect to get that delivery early next week, and will know more at that time.

We anticipate rolling productions of documents for Mr. Phillips, Ms. Catz, and Mr. Ellison after production of the Customer Connection-related database and the OSSINFO and HQINFO email addresses, all of which are substantial productions. We hope to produce these three custodians through March, and will have documents to you no later than 21 days before Mr. Phillips's and Ms. Catz's deposition dates, as ordered by Judge Laporte, and which we are currently attempting to schedule.

We are still scheduling productions of the remaining custodians, and will provide more information when we have it.

Thank you,
Briana

Briana Rosenbaum
B I N G H A M
T 415.393.2288

From: Elaine Wallace [mailto:ewallace@JonesDay.com]
Sent: Monday, January 26, 2009 4:29 PM

To: Rosenbaum, Briana Lynn
Cc: Hann, Bree; Howard, Geoff; House, Holly; 'jfroyd@JonesDay.com'; 'jlfuchs@JonesDay.com'; 'jmcDonell@JonesDay.com'; 'swcowan@JonesDay.com'; 'tgianier@JonesDay.com'; Alinder, Zachary J.
Subject: Re: Oracle's production

Briana,

We still have not received productions for two custodians whose names were provided five months ago and whose documents you said would be produced before the holidays. [See your 12/15 email to Jason McDonell.] They are Conway and Schiff. One of your production cover letters from last week indicates that Conway's documents were being produced but no Conway documents were included in the production. When do you plan to produce these custodians' documents?

Nor have we received documents for custodians Catz, Ellison, and Phillips, whose names were also provided five months ago. We have asked multiple times for estimates of when you expect to produce their documents but have not received a response. We cannot afford to delay our depositions any longer. We have requested deposition dates in February and March for Catz and Phillips and, consistent with Judge Laporte's order, expect their documents to be produced at least twenty-one days in advance of the depositions.

We have also asked several times for the dates on which you expect to produce the group email addresses and the remaining custodians whose names we provided in September and October. When do you plan to provide us this information? Also, when do you plan to produce the PeopleSoft legal database and the Customer Connection database?

Regards,

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"Rosenbaum, Briana Lynn"

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01/17/2009 08:11 PM

To "ewallace@JonesDay.com" <ewallace@JonesDay.com>, "Alinder, Zachary J." <zachary.alinder@bingham.com>, "Hann, Bree" <bree.hann@bingham.com>, "Howard, Geoff" <geoff.howard@bingham.com>, "House, Holly" <holly.house@bingham.com>, "jfroyd@JonesDay.com" <jfroyd@JonesDay.com>, "jlfuchs@JonesDay.com" <jlfuchs@JonesDay.com>, "jmcDonell@JonesDay.com" <jmcDonell@JonesDay.com>, "swcowan@JonesDay.com" <swcowan@JonesDay.com>, "tgianier@JonesDay.com" <tgianier@JonesDay.com>

cc

Subject Re: Oracle's production

Elaine,

We disagree with a number of the assertions you make below. As an example, your characterization of the discussion you had with Mr. Alinder regarding the production of the customer connection database is very misleading. Mr. Alinder explained to you that we expected to receive the database later that same afternoon (which arrived as expected), and that we anticipated producing shortly.

Nevertheless, we are happy to report the status of our production, as promised: We produced custodian Hensarling on January 15. We expect to produce the following custodians next week: Lyskawa, Conway, and Lohead. After that, Defendants have requested production of the OSSINFO and HQINFO email addresses, which include a substantial amount of documents. We are also preparing to produce the Customer Connection-related database that has about 2 Terabytes of data. Production of Ellison, Catz, and Phillips will follow.

Thank you,
Briana

From: Elaine Wallace
To: Alinder, Zachary J.; Hann, Bree; Howard, Geoff; House, Holly; Rosenbaum, Briana Lynn; Jane L Froyd ; Joshua L Fuchs ; Jason McDonell ; Scott Cowan ; Greg Lanier
Sent: Sat Jan 17 12:58:56 2009
Subject: Oracle's production

Counsel,

We remain concerned about Oracle's slow rate of production, which is seriously impacting our ability to take depositions and add to our custodian list. We still have not received productions for multiple custodians whose names were provided to you in September:

1. We have been asking for an update on the status of the Catz, Ellison, and Phillips productions since mid-December. We were promised one last week but did not receive one.
2. In a December 15 email, Briana told us that she expected many or all of six custodian productions to be made before the holidays. It's now mid-January, and we are still waiting for three of them (Lyskawa, Schiff, and Conway).
3. The parties have agreed that you will complete production of the group email addresses after the six custodians on Briana's December 15 list. When that is completed, there will still be four custodians from September (not including Catz, Ellison, and Phillips, whose production status is unknown) to be produced, i.e. Lohead, Wang, Webb, and Anderson. When those are completed, Oracle will still only have produced up to the custodian names we gave you in October.

Based on Briana's Monday email, it appears that your production of the Customer Connection database is slowing down your custodian productions. Geoff represented at the last hearing with Judge Laporte that this database has been "in the works" for a long time, but as of Friday, Zac was unable to give us an estimate of when it will be produced. Similarly, we learned in December of a PeopleSoft legal database that clearly should have been located and produced a long time ago. On Friday, Zac informed us that it will be a minimum of two and probably four weeks before it is produced.

This delay is unacceptable. We need dates certain for the production of all remaining custodians whose names were provided to you in September and October, the group email addresses, and the two databases by Friday, January 23. If we don't receive them, we will ask Judge Laporte to set deadlines for these productions.

Regards,

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